

Thank you for the opportunity to provide comments on the Washington State Department of Ecology's (Ecology) proposed Industrial Stormwater General Permit, as requested by Ecology through its public notice process.

The following represent Kennedy/Jenks Consultants' comments and concerns regarding the conditions of the proposed permit, as well as areas where we believe additional clarification is required.

General Comments

1. The permit should specify that any of the facilities listed at 40 CFR Subpart 122.26(b)(14), **including categories 1 through 9**, are eligible for the no exposure exemption, provided that they meet the requirements for this exemption.
2. The permit should address whether inactive facilities listed under categories 1 through 9 and 11 need to be covered under the permit.
3. The definition of "existing facilities" should be clarified, since we believe that it is Ecology's intent to define "existing" in at least two different way, depending on the issues to be addressed. Specifically, condition S2B.3.b. specifies an existing facilities as those facilities that were in operation before November 18, 1995. Therefore, by this definition, any facility that obtained coverage between 1995 and the present would be considered a "new" facility. In various locations throughout the permit, the requirements for "new facilities" differ from existing facilities, including the need for public notice and application for a mixing zone, as well as other requirements. We do not believe that Ecology intended to require facilities that are now covered under the existing permit, yet obtain coverage after November 18, 1995 to be subject to public notice and mixing zone application requirements, unless they are submitting a modification of coverage.

Specific Comments

1. Condition S1.B.3 specifies that facilities that discharge all of their stormwater to the ground and have no point discharge to surface water or to a municipal storm sewer are not required to obtain coverage under the permit. Most infiltration facilities and/or other discharges to the ground (and not regulated under the Underground Injection Control regulations) have been designed to a maximum size storm event. It would be impossible to design an infiltration system that will receive stormwater for every possible storm event. Does Ecology expect a facility to apply for coverage should a maximum size storm event exceed the capacity of any infiltration system that may be present on a particular site?
2. Under Condition S4.A.2, Ecology references analytical methods for oil and grease analysis to be EPA Method 413.1 or 413.2. We understand that these methods are being replaced with EPA Method 1664 (eliminating the use of freon as an extractant).
3. Under Condition S4.A.3, Ecology requires monitoring for hardness in addition to total copper and total lead. Monitoring for hardness should not be required where the discharge is to marine water, where hardness is inappropriate.
4. Under Condition S4.D, Ecology should not require monitoring for a TMDL-limited constituent where the facilities' process does not expect to contain that particular constituent. In addition, Ecology should clarify that monitoring for TMDL-limited constituents is required only where stormwater is discharged directly to the listed segment of the particular water body.

5. Under Condition S4.D, facilities discharging to 303(d) listed water bodies or subject to TMDL determinations must monitor for TMDL-listed constituents. In some locations, the number of TMDL-listed constituents is large, and monitoring for all constituents on an ongoing basis would be cumbersome and generate large volumes of data at a significant cost to the permittee. Ecology should reconsider the requirement for monitoring for all constituents and should consider indicator compounds if monitoring is conducted at all.
6. Under Condition S9.B.2, Ecology states that the SWPPP must contain a discussion regarding the estimated volume of discharge from each discharge point. Due to the nature of stormwater and the variability of flows being dependent on the size of the storm event, estimating the volume of discharge from each discharge point will be meaningless. Ecology should eliminate the need to estimate the volume of discharge or clarify how the volume of discharge should be estimated.

We hope that our comments assist Ecology in finalizing the proposed Industrial General Stormwater Permit for the State of Washington.